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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/784,969 Confirmation No. : 8998  
First Named Inventor : Hans-Walter SWIDERSKY  
Filed : February 25, 2004  
TC/A.U. : 1762  
Examiner : J. Johnson  
  
Docket No. : 037110.50643D1  
Customer No. : 23911  
  
Title : Brazing Flux for Dry Application

**REPLY TO OFFICE ACTION**

**Mail Stop AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Responsive to the Office Action mailed January 31, 2006, reconsideration of the application is respectfully requested. Claims 1-3 are presented for further examination.

The rejection of claims 1-3 under 35 U.S.C. § 102(b) over Shimajiri (US 4,989,775) is respectfully traversed.

Shimajiri discloses a flux pulverized to be 2.0 to 80 microns in diameter (column 2, lines 57-61). Claim 1 requires the flux to have a particle volume distribution lying with the area bounded by Curves 1 and 2 of Figure 10. In contrast to the assertion made on page 2 of the Office Action, Shimajiri clearly fails to disclose or suggest the claimed particle volume distribution.

The claimed flux comprises particles having a range of different sizes. The cumulative volume distribution of the different particle sizes is defined by Figure 10. Pointedly, claim 1 requires that the flux include particles that are smaller in size than 2 microns, which is the minimum particle size taught by Shimajiri. Referring to Figure 10, the claimed flux must comprise from about 5 to 10 volume % of particles with a particle size up to 1 micron, and from about 10 to 27 volume % of particles with a particle size up to 2 microns. Because the claimed

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particle size range clearly lies outside the range of particle sizes taught by Shimajiri, the rejection is improper and should be withdrawn.

Further, Shimajiri *teaches away* from a flux having a particle size of less than 2 microns. Specifically, Shimajiri teaches that particles below 6.0 microns are undesirable because choking is likely to occur in the spray gun (column 4, lines 3-11). Thus, it would not have been obvious to modify the particle size range of Shimajiri to include flux particles smaller than 2 microns, much less flux particles smaller than 1 micron, as required by claim 1.

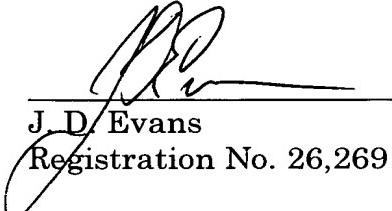
In view of the foregoing, the application is respectfully submitted to be in condition for allowance, and prompt favorable action thereon is earnestly solicited.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned at (202) 624-2845 would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #037110.50643D1).

Respectfully submitted,

April 18, 2006

  
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